

NEREUS.2C1CP1



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Yoshio Hayashi, et al. )  
)  
App. No. : 10/632,688 )  
)  
Filed : August 1, 2003 )  
)  
For : PHENYLAHISTIN AND THE )  
PHENYLAHISTIN ANALOGS, A )  
NEW CLASS OF ANTI-TUMOR )  
COMPOUNDS )  
)  
Examiner : Unknown )  
)  
)

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**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040

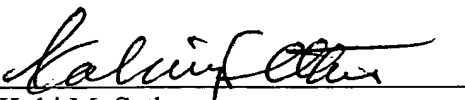
**App. No.** : 10/632,688  
**Filed** : August 1, 2003

Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventors and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

NEREUS PHARMACEUTICALS, INC.

Dated: March 4, 2004

By:   
Kobi M. Sethna  
President and CEO

10480 Wateridge Circle  
San Diego, CA 92121

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PATENT

Application No.: 10/632,688  
Filing Date: August 1, 2003

Client Code: NEREUS.2C1CP1  
Page 1

ASSIGNMENT

WHEREAS, We, Yoshio Hayashi, a Japanese citizen, residing at ~~3-35-1 Ida, Nakahara-ku, Kawasaki 211-0035,~~ 3-9-18-301 Heso, Ritto, Shiga 520-3031, Japan; Michael A. Palladino, Jr., a United States citizen, residing at 3357 Fortuna Ranch Road, Olivenhain, California 92024; and Jennifer Grodberg, a United States citizen, residing at 3459 Calle del Sur, Carlsbad, California 92009, have invented certain new and useful improvements in a **PHENYLAHISTIN AND THE PHENYLAHISTIN ANALOGS, A NEW CLASS OF ANTI-TUMOR COMPOUNDS** for which we have filed an application for Letters Patent in the United States, Application No. 10/632,688, Filed on August 1, 2003;

AND WHEREAS, Nereus Pharmaceuticals, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 10480 Wateridge Circle, San Diego, California 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 24 day of DECEMBER, 20 03

林 良雄  
Yoshio Hayashi

STATE OF \_\_\_\_\_ }  
  } ss.  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Yoshio Hayashi personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9<sup>th</sup> day of December, 2003

  
Michael A. Palladino, Jr.

STATE OF California }  
COUNTY OF San Diego } ss.

On 12/9/03, before me, Linda D. Cruz, Notary Public, personally appeared Michael Palladino personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

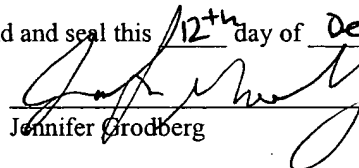
WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12<sup>th</sup> day of December, 2003

  
Jennifer Grodberg


STATE OF California }  
COUNTY OF San Diego } ss.

On 12/12/03, before me, Linda D. Cruz, Notary Public, personally appeared Jennifer Grodberg personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature